

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
NOVEMBER 20, 2017

The Regular meeting of the Township Committee of the Township of Bordentown was held in the Main Meeting Room in the Municipal Building.

PRESENT: Mayor Stephen Benowitz
Deputy Mayor Eugene Fuzy
Committeeman James Cann
Committeeman Eric Holliday
Committeewoman Jill Popko
Committeeman-elect Kostoplis
Committeeman-elect Mason
Administrator Michael Theokas
Township Clerk Colleen Eckert
Attorney Eileen Fahey

ABSENT: Chief Financial Officer Jeffrey Elsasser

Mayor Benowitz called the meeting to order at approximately 7:09 p.m. and led a salute to the flag and a moment of silence. He announced that the moment of silence is being dedicated to Thanksgiving.

Township Clerk Eckert read the following Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 11, 2017, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.

Mayor's Proclamation – November 20, 2017, as Bordentown Jaguars Day. At this time, Mayor Benowitz read the Proclamation into the record.

At this time, Deputy Mayor Fuzy made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing:

--Affordable Housing Contract Matters.

--Kevin Johnson Litigation Matter.

--Bordentown Township Police Sergeants Association Contract Matter. (Removed -- Will be discussed at the December 4, 2017 Township Committee's Closed Session Meeting.)

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It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:22 pm and reconvened the regular meeting at 8:08 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that as a result of Closed Session, Consideration of Introduction of Ordinance #2017-29 is being added.

CONSENT AGENDA

Resolution #2017-324-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2017-324-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETING AND FILING OF REPORTS.

Resolution #2017-324-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-324-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-324-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-324-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-324-14 entitled RELEASE OF PERFORMANCE GUARANTEE FOR SAAJ, LLC, HOLIDAY INN EXPRESS, ROUTES 130 AND 206, BLOCK 63 AND 64, LOTS 1, 2, 39 AND 3.

Resolution #2017-324-15 entitled RELEASE OF PERFORMANCE GUARANTEE FOR GRAINGER WAREHOUSE, GRAY CONSTRUCTION, BLOCK 138.12, LOTS 5.01 AND 5.02.

Resolution #2017-324-16 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.

Resolution #2017-324-17 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.

Resolution #2017-324-18 entitled A RESOLUTION IN SUPPORT OF THE PARIS AGREEMENT.

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-324-8 through #2017-324-18. Committeeman Cann and Committeewoman Popko commented/asked questions on the Consent Agenda.

Resolution #2017-324-8 (Bill List.). Committeewoman Popko said that a report about the third district appeal has not yet been received from Genova Burns. Mayor Benowitz said that someone will reach out to them.

Resolution #2017-324-14. Committeeman Cann stated that the resolution did not include the requirement for a maintenance bond. Township Clerk Eckert will amend the resolution.

At this time, Committeeman Cann made a motion to open to the public the consent agenda items; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no comments, Deputy Mayor Fuzy made a motion to close to the public; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

At this time, Committeeman Cann made a motion to adopt the Consent Agenda with the amendment to Resolution #2017-324-14; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko with abstention to the Meeting Minutes of October 16, 2017, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Public Hearing on Ordinance #2017-25 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.020, PARKING, STOPPING AND STANDING, AND SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE.

At this time, Committeeman Holliday made a motion to open the public hearing on Ordinance #2017-25; seconded by Committeeman Cann.

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AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

NICK D'ANGELO, 18 Bonnie Lane: Mr. D'Angelo said he approves this ordinance and would like to see it passed.

Seeing no additional public comment, Committeeman Holliday made a motion to close the public hearing on Ordinance #2017-25; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

TOWNSHIP ADMINISTRATOR THEOKAS: Administrator Theokas stated that the Township Committee had requested further information from some professionals regarding the parking on Bonnie Lane. Fire Chiefs from District #1 and District #2, Acting Police Chief Pesce, and Township Engineer Turek, and he met on site and there were additional public safety concerns regarding the turning radius on that road. Administrator Theokas recommended that the Township Committee not act on this Ordinance tonight and wait for the complete report from our public safety professionals on what would be the best and safest parking measures on that street, and so that the ordinance could be rewritten properly and reintroduced at a later date.

Consideration of Adoption of Ordinance #2017-25 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.020, PARKING, STOPPING AND STANDING, AND SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE. (DIED)

At this time, there was no motion to adopt Ordinance #2017-25. Ordinance does not pass. Ordinance will be re-introduced in the new year.

Public Hearing on Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.

At this time, Committeeman Holliday made a motion to open the public hearing on Ordinance #2017-26; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no public comment, Committeeman Holliday made a motion to close the public hearing on ordinance #2017-26; seconded by Deputy Mayor Fuzy.

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AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Adoption of Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.

At this time, Committeeman Cann made a motion to table Adoption of Ordinance #2017-26 to the December 4, 2017 Township Committee Meeting pending clarification; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Public Hearing on Ordinance #2017-27 entitled ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCATE AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY.

At this time, Committeeman Holliday made a motion to open the public hearing on Ordinance #2017-27; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no public comment, Committeeman Holliday made a motion to close the public hearing on Ordinance #2017-27; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Adoption of Ordinance #2017-27 entitled ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCATE AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY.

At this time, Committeeman Holliday made a motion to adopt Ordinance #2017-27; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Deputy Mayor Fuzy, Mayor Benowitz

NAY: Committeewoman Popko

Public Hearing on Ordinance #2017-28 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, TO ADD A NEW SUBCHAPTER 10.05, ENTITLED “PARKING OF VEHICLES AT SERVICE STATIONS AND SERVICE-ORIENTED FACILITIES”.

COMMITTEEMAN CANN: Committeeman Cann stated that the ordinance as written does not encompass the recommendations made by C.D. Director Brian Johnson. This was discussed among the Committee Members.

At this time, Deputy Mayor Fuzy made a motion to open the public hearing on Ordinance #2017-28; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no public comment, Deputy Mayor Fuzy made a motion to close the public hearing on Ordinance #2017-28; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Adoption of Ordinance #2017-28 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, TO ADD A NEW SUBCHAPTER 10.05, ENTITLED “PARKING OF VEHICLES AT SERVICE STATIONS AND SERVICE-ORIENTED FACILITIES”.

At this time, Committeeman Cann made a motion to table Adoption of Ordinance #2017-28 to the December 4, 2017 Township Committee Meeting; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Introduction of Ordinance #2017-29 entitled AN ORDINANCE TO CREATE THE AH-1 AFFORDABLE HOUSING OVERLAY ZONE, PROVIDING FOR AFFORDABLE HOUSING AND OTHER USES ON PROPERTY IN THE TOWNSHIP OF BORDENTOWN.

At this time, Committeeman Cann made a motion to introduce Ordinance #2017-29: seconded by Committeeman Holliday.

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AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be December 18th.

ADMINISTRATOR AND STAFF REPORTS

Administrator Theokas said two Master Plan Public Meetings were held on October 17 and 24, 2017. Our (Special Projects) Planner, Heyer Gruel and Associates led the meetings, are compiling the information, and will be preparing a report.

He attended the Bordenshire Homeowners Association meeting on October 26, 2017.

CFO Elsasser and he attended a budget seminar in New Brunswick on October 27, 2017. A lot of the budget processes will be going on line. The Annual Financial Statement and Budget will be done on line.

On November 2, 2017, the Township hosted the Route 130 Corridor Study meeting at the Senior Center. Lt. Mount and he attended on behalf of the Township.

Members of our staff and he attended the League of Municipalities Convention.

There is a paper street/alley off of Groveville Road. Residents are concerned about this pass through. This will need consideration from the Township Committee.

Administrator Theokas said he has begun negotiating with the AFSME Union. The contract expires at the end of this year.

Town Hall is closed Thursday and Friday, November 23 and 24, 2017 for the Thanksgiving holiday. The next Township Committee meeting is December 4, 2017.

TOWNSHIP COMMITTEE REPORTS

COMMITTEEMAN CANN: On November 9, 2017, the New Municipal Building Subcommittee met. Potential sites and financing were discussed, as well as improvements needed at the existing facility.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said he attended Fire District #1 Mission Fire Company meeting on Thursday, November 2, 2017. He gave a summary of what was discussed at that meeting.

In regard to the Office of Emergency Management, the environmental check on the culvert was approved by the Committee on October 16, 2017. Permits are being submitted and the designers are almost complete with the plans for the project. Bids should be going out very soon.

The final inspections have been completed for the generator at Public Works. Emergency Management Coordinator Andy Law submitted his quarterly reports to FEMA and the N.J. State Police OEM for the generator and the culvert. A letter of intent for the multi-jurisdiction mitigation plan has been submitted to the County OEM. A Committee has been established to meet with Transco and review their emergency plans.

The Veteran's Advisory Committee (VAC) meeting was held on Tuesday, November 7, 2017 at Town and Country Diner. The Veteran's Day Ceremony was a huge success.

He attended the Planning Board meeting on Thursday, November 9, 2017. Tile Masters was granted preliminary final site plan approval with bulk variances for the frontage and site yards and parking. Team Campus Phase II will be returning on December 14, 2017. They are seeking to construct 3 medical buildings and 2 retail buildings. The proposed Township Ordinances were reviewed.

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Committeeman Holliday cited some events that the Police Department participated in. They will be participating in meals on wheels again.

COMMITTEEWOMAN POPKO: Committeewoman Popko said the Public Works Department is performing necessary general maintenance and getting ready for the upcoming winter weather. The Ash Borer disease is affecting a lot of trees in the Township. She recommended that someone come in and give a quotation to try to save some of the trees so it will not affect the erosion. The Fleet Inventory list has been provided. She asked Administrator Theokas to submit a copy of the Fleet Inventory list to the Environmental Commission because they can receive points for Sustainable Jersey.

In regard to the Board of Education, the final decision on the reconfiguration of the district will be announced at their December 15, 2017 meeting.

She said the Veteran's Day Ceremony was very nice, but she was disappointed that the Girl Scouts were not invited to participate in the ceremony. Committeeman Holliday said they were invited, but he would follow-up on this.

COMMITTEEMAN CANN: Committeeman Cann said that he treated 12 Ash trees on his property at a cost of between \$400-\$600/tree. The treatment lasts approximately 3 years. Committeewoman Popko responded that she was told larger discounts are available to municipalities, and the Environmental Commission should be researching this.

DEPUTY MAYOR FUZY: Deputy Mayor Fuzy said that on October 17, 2017, he attended the Master Plan Community Input Meeting. The community expressed concerns over congestion and traffic.

He attended the Environmental Commission meeting on October 17, 2017 where they worked on revisions to the Paris Agreement. They participated in the Haunted Hayride. The Community Garden was closed for the season.

He attended the second Master Plan Community Input Meeting on October 24, 2017.

On October 27, 2017, he assisted in the Haunted Hayride in costume.

He participated in the Bordentown City Halloween Parade on November 5, 2017.

On November 7, 2017, he attended Fire District #2 Derby Firehouse meeting.

He attended the Veteran's Day Ceremony on November 11, 2017.

On November 18, 2017, he assisted with the Turkey Trot. Also on November 18, 2017, he attended District #1 Mission Fire Company Open House with his family.

Today he attended a luncheon for First Responders.

The Township's tree lighting is scheduled for December 1, 2017.

MAYOR BENOWITZ: Mayor Benowitz attended both Master Plan meetings on October 17 and 24, 2017.

He attended and spoke at the October 18, 2017 Volunteers of America (VOA) groundbreaking ceremony.

On October 20, 2017, he conducted a ribbon cutting ceremony for the new Arby's and one at the Pet-Value store in the Acme Shopping Center.

Administrator Theokas and he met with District #2 Derby Firehouse regarding their building concerns on October 17, 2017.

He attended the October 26, 2017 Planning Board Meeting.

Administrator Theokas and he also attended the Bordenshire HOA meeting.

On November 2, 2017, he met with the Bordentown Regional School Superintendent, Ed Forsthoffer to discuss the proposed restricting realignment.

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He participated in the Halloween Parade.

Administrator Theokas and he continue to meet with the Mayors of Bordentown City and Chesterfield Township. The next meeting with Mayor Lynch is scheduled for November 22, 2017. They are discussing Court Shared Services with Mayor Liedtka of Chesterfield Township.

He attended the Veteran's Day Ceremony. Four Proclamations were presented.

On November 18, 2017, he attended the Turkey Trot Event.

He attended and spoke at the District #1 Mission Fire Company building dedication ceremony on November 18, 2017.

Today, he attended and participated in the First Responders' Award Ceremony.

He attended the Economic Development Advisory Committee meeting on November 14, 2017.

Mayor Benowitz announced that the Township received a \$175,000 Grant from the Burlington County Park which will be used for the building of soccer fields at the former Dix Drive-in site.

PUBLIC PARTICIPATION: At this time, Committeeman Holliday made a motion to open the meeting for public participation; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

DAVID SILVER, Representative of KJ Enterprises, 8500 K. Johnson Boulevard: Mr. Silver asked several questions regarding the Township's personnel policy. Attorney Fahey, the Township Committee, and Administrator Theokas responded to his questions.

ANTHONY D'ANGELO, 10 Locust Road: Regarding Ordinance #2017-25, Mr. D'Angelo said this ordinance deals with safety and asked why it is taking so long to adopt. Mayor Benowitz and Administrator Theokas responded that there are still items that need to be looked at by our safety professionals so the ordinance can be adopted properly.

KEVIN JOHNSON, KJ Enterprises, 9500 K. Johnson Boulevard: Mr. Johnson commented on racism and diversity and stated that the Township Committee has not responded to his letters. He thinks that due to the recent events that have happened under the current Township Committee, the Committee members should resign. Committeeman Cann said that the events he is referring to are litigation so everyone is restricted to what they can discuss. Committeewoman Popko said she was disturbed to find out what allegedly was going on.

Seeing no further comments from the public, Committeeman Cann made a motion to close the meeting for public participation; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

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ADDITIONAL MATTERS:

MAYOR BENOWITZ: Mayor Benowitz asked if it was agreeable that the 2018 Reorganization Meeting be held on Saturday, January 6, 2018 at 12:00 noon. The Township Committee and Committeemen-Elect were all in agreement.

At this time, Committeeman Holliday made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adjourn the regular meeting; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:28 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK